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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. GERALD FINKEL, as Chairman of the
Joint Industrial Board of the Electrical
Industry,

Plaintiff,

-against-

COLONY ELECTRIC CO., INC.,

Defendant.
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MEMORANDUM AND ORDER

Case No. 10-CV-2240 (FB) (LB)

Appearances:

For the Plaintiff:

JAMES ROBERT GRISI, ESQ.
Cohen, Weiss and Simon, LLP
330 West 42nd Street, 25th Floor
New York, NY 10036-6976

BLOCK, Senior District Judge:

On November 8, 2010, Magistrate Judge Bloom issued a Report and Recommendation ("R&R") recommending that a default judgment be entered in favor of plaintiff and against defendant. The R&R recited that "the parties shall have fourteen (14) days from service of this Report to file written objections," and that "[f]ailure to file a timely objection to this Report generally waives any further judicial review." R&R at 20. Per the magistrate judge's directive, plaintiff served a copy of the R&R on defendant at its last known address on November 11, 2010, making objections due by November 29th. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas*

v. Arn, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). Since no such error appears here, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment accordingly.

SO ORDERED.

s/ Judge Frederic Block

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 31, 2011